IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2514 OF 2006

Gunaji Appaji Rane & ors. — Petitioners
vs.
State of Maharashtra & ors. — Respondents

ALONG WITH
WRIT PETITION NO.2515 OF 2006

Rakesh Niwale & 14 ors. — Petitioners
vs.
State of Maharashtra & anr. — Respondents

WITH WRIT PETITION NO.2519 OF 2006

The Security Association of India
& anr. — Petitioners
vs.
State of Maharashtra & ors. — Respondents

WITH WRIT PETITION NO.2520 OF 2006

Prakash Prabhakar Kinare & ors. — Petitioners
vs.
State of Maharashtra & ors. — Respondents

WITH WRIT PETITION NO.2602 OF 2006

Dasarathi Hatnanth Sahoo & ors. — Petitioners
vs.
State of Maharashtra & ors. — Respondents

WITH WRIT PETITION NO.2633 OF 2006

Hindustan Security Force & ors. — Petitioners
vs.
State of Maharashtra & ors. — Respondents

AND WITH WRIT PETITION(LODGING) NO.1927 OF 2006

M/s.Marshal Security Services — Petitioners
vs.
State of Maharashtra & ors. — Respondents

Mr.C.U.Singh, Sr.Counsel with Mr.R.D.Suvarna for the petitioners.

Mr.A.A.Kumbhakoni, Associate Advocate General with Mr.P.M.Mokashi, AGP for respondent no.1.

Mrs.Lata Desai with Ms.Pallavi Divekar for respondent no.2.

Mr.K.S.Bapat i/b.M/s.Desai & Desai Associates for respondent no.3 in Writ Petition Nos.2514/2006, 2515/2006, 2520/2006m 2602/2006 and 2612/2006.

Mr.C.K.Tripathi for petitioner in Writ Petition (Lodging) No.1927/2006.

CORAM : F.I.REBELLO &
ANOOP V. MOHTA,JJ.

DATED : 19th October, 2006

P.C.

Rule. By consent heard forthwith.

2. After hearing the counsel for the parties and the learned Associate Advocate General, these petitions can be disposed of by issuing the following directions:

(i) The impugned orders in each of the Petition's inasmuch as no reasons have been given as required by the proviso to

Section 23, are quashed and set aside in respect of those agencies in respect of whom the notifications had not expired.

(ii) The impugned orders in respect of those agencies where period of notifications has expired, as there has been non-compliance with the proviso to section 23, the same are also null and void. However, as the period has come to an end, there is no need to pass any specific order to quash and set aside the same.

(iii) It will be open to the State Government, if so advised, after giving notice to the petitioners to pass fresh and appropriate orders according to law.

(iv) Needless to say that all contentions are left open for consideration.

(v) Any consequential action taken based on the orders which are now quashed and/or declared to be null and void are also consequently set aside. It is, however, made clear that after hearing the

parties, if the Government passes an order and issues further directions, that will be subject to the independent challenge by the persons who are aggrieved.

(vi) It will be open to the State Government to issue appropriate show cause notices within four weeks from today and to complete the procedure thereafter within eight weeks.

3. Rule made absolute accordingly. No order as to costs.

(F.I. REBELLO, J.)

(ANOOP V. MOHTA,J.)